

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GALE LYNN FISHELL #323137,

Petitioner,

Case No. 1:06CV9

v.

Hon. Robert J. Jonker

KURT JONES,

Respondent.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 5, 2009. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed January 5, 2009, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that petitioner's habeas petition is **DENIED**. Rule 8, Rules Governing § 2254 Cases in the United States District Courts.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: January 22, 2009.